

LOUIS E. FOGEL, Partner

Louis E. Fogel co-chairs the Life Sciences division of the Patent Litigation and Counseling Practice at Jenner & Block. His practice focuses on complex commercial and intellectual property litigation, including patent and trade secrets. Mr. Fogel's litigation experience includes a wide array of technologies and industries including pharmaceuticals, biological drugs, medical devices, chemicals, consumer electronics and telecommunications. He provides patent-related client counseling, in areas including the Hatch-Waxman Act, the Biologics Price Competition and Innovation Act (BPCIA) and with Inter Partes Review (IPR). A frequent speaker and author on intellectual property issues, he also advises clients with their IP-related transactions.

Mr. Fogel received both his PhD in chemistry and his JD from the University of Chicago. He is a registered patent lawyer admitted to practice before the United States Patent and Trademark Office.

Mr. Fogel has an active and diverse pro bono practice. At administrative hearings, he represents parents and families who are involved in the child welfare system, engaging in district court litigation involving civil rights statutes. By virtue of being a member of the Northern District of Illinois Trial Bar, he is appointed counsel in pending district court civil litigation matters. The Family Defense Center recognized his pro bono practice when it honored him with its Community and Professional Services Award.

Mr. Fogel's significant representative matters include:

- Represented Ethicon, Inc. and Omrix Biopharmaceuticals in patent litigation involving hemostatic bandages.
- Represented Coherus BioSciences in patent and trade secret litigation concerning Udeynca, a biosimilar to Amgen's Neulasta biological drug product that is used to treat neutropenia.
- Represented Coherus BioSciences in IPR proceedings related to patents covering AbbVie dosing regimens related to Humira dosing regimens.
- Represented Genzyme in patent litigation concerning Fabrazyme, a drug produced by recombinant DNA technology that is used to treat Fabry disease.
- Represented Wyeth Pharmaceuticals, Inc. in ANDA litigation involving Tygacil, a tetracycline class antibiotic.
- Represented Wyeth Pharmaceuticals, Inc. in patent litigation concerning Refacto, a hemophilia drug produced by recombinant DNA technology.
- Represented Kissei Pharmaceutical Co. in ANDA litigation involving Rapaflo, a drug used to treat benign prostatic hyperplasia (BPH).
- Represented AstraZeneca in ANDA litigation involving Pulmicort Respules, a drug used to treat pediatric asthma.



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PRACTICE GROUPS

Financial Services Litigation
Intellectual Property
Japan Practice
Patent Litigation and Counseling

INDUSTRY GROUPS

Cannabis
Life Sciences

EDUCATION

University of Chicago Law School, JD,
2003

University of Chicago, PhD, Chemistry,
2000

University of Wisconsin, MS, Chemistry,
1997

Hamline University, BA, Chemistry, 1994;
with honors, Phi Beta Kappa

ADMISSIONS

Illinois

COURT ADMISSIONS

US District Court, Northern District of
Illinois

US District Court, Northern District of Illinois
(Trial Bar)

US Patent and Trademark Office

US Court of Appeals, Seventh Circuit

US Court of Appeals, Federal Circuit

- Represented Alza Corp. and McNeil-PPC Inc. in ANDA litigation involving Concerta, a drug used to treat attention deficit disorder.
- Represented Schering Corp. in ANDA litigation concerning Zetia, a drug used to treat high cholesterol
- Represented Johnson & Johnson and Cordis Corporation in patent litigation concerning the design and use of angioplasty catheters.
- Represented NEC Display Solutions of America, Inc. in patent litigation related to remote display advertising systems.
- Represented a large international communications client in an ITC investigation, relating to multiple patents directed to features of wireless devices.

Awards

- The Family Defense Center
Community and Professional Service Award, 2014
- *Illinois Super Lawyers*
"Rising Star," Intellectual Property Litigation, 2011-2013
Illinois Super Lawyer, Intellectual Property Litigation, 2017-2020

Community

- Chandler Newberger Hillel at the University of Chicago
Co-President and Board Member, 2014-present
- The Family Institute at Northwestern University
Board Member, 2018-present
- University of Chicago Alumni Board
Member, 2016-present
- Public Interest Law Initiative (PILI)
Board member, 2018-present
- Chicago Chess Foundation
Founding Board Member
- Beth Emet The Free Synagogue
Board Member, 2011-2014
- Illinois Institute of Technology
Fellow, 2003

Service to the Bar

- American Bar Foundation
Fellow

Publications

- Co-Author, *Summary of Covenants Not to Compete: A Global Perspective*, American Bar Association, August 6, 2020
- Co-Author, "Biologics Litigation: The Biosimilars Wars," *ANDA Litigation: Strategies and Tactics for Pharmaceutical Patent Litigators*, July 17, 2020
- Co-Author, *Patents 2020*, Lexology, July 16, 2020
- Co-Author, "Biologics Litigation: The Biosimilars Wars," *ANDA Litigation 3rd Edition*, American Bar Association, Spring 2020
- Contributing Editor, "Patents 2020," *Getting the Deal Through*, Spring 2020
- Co-Author, "Restrictive Covenants: A Global Perspective," *American Bar Association*, Spring 2020
- Co-Author, "Authentication and Identification," *Evidence in Patent Cases*, October 2018
- Co-Author, "A Test for Reviewing Payments to Keep Generics at Bay," *Daily Journal*, Summer 2015
- Co-Author, "Drug Safety Labeling: Generic Versus Branded," *Pharmaceutical Compliance Monitor*, April 10, 2015
- "Supreme Court Holds that Underlying Factual Issues in Patent Claim Construction Must be Reviewed for Clear Error", March 2015
- "The Biosimilar Regulatory Pathway and the Patent Dance", December 2014
- Co-Author, "*Teva Pharmaceuticals v. Sandoz* Availability of Generic Glatiramer Acetate and the Impact to Patent Litigation Claim Construction," *Expert Opinion on Therapeutic Patents*, November 1, 2014
- Co-author, "Simultaneous and Stereoselective Construction of Planar and Axial Centers of Chirality," *Journal of the American Chemical Society*, 5580-5581, 2001
- "Simultaneous Construction of Axial and Planar Chirality in the Formation of Biaryl Compounds," Ph. D. Thesis, 2 volumes (389 pages), University of Chicago, Department of Chemistry, 2000
- Co-author, "Regiocontrolled Synthesis of CpCo-Cyclobutadienyl-Bridged p-Cyclophanes via Annulation of Acyclic Dienes," *Journal of Organic Chemistry*, 6708-6709, 1997

Speaking Engagements

- Practising Law Institute's Patent Fundamentals Bootcamp 2017, May 09, 2017 to May 11, 2017
- Panelist, "Careers in Intellectual Property," University of Chicago, March 03, 2017
- Notre Dame University Masters of Patent Law Class, April 25, 2016
- Panelist, "PTAB after Four Years: State of Play," MIP US Patent Forum, March 15, 2016
- Panelist, "Supreme Court of the United States Review: Recent Key Cases and Impact on District of New Jersey Litigation," Federal Circuit Bar Association, February 11, 2016
- Paragraph IV Disputes Master Symposium, American Conference Institute, September 30, 2015 to October 01, 2015
- "What Can I Do with My PhD?" University of Chicago myCHOICE, September 28, 2015
- "Key Developments in Biosimilar Litigation, Part II," Jenner & Block webinar, June 23, 2015

- “Key Developments in Biosimilar Litigation,” Jenner & Block, March 11, 2015
- Presenter, "Current Topics in Patent Litigation," Notre Dame's Masters in Patent Law Program, November 14, 2014
- Radio interview about honor from the Family Defense Center and the importance of lawyers in society, broadcast throughout the United States, September 2014
- Presenter, "Litigation Tips for Patent Prosecutors," Notre Dame's MSc in Patent Law Class, January 2013
- Interview about Intellectual Property Law on live radio call-in show, broadcast throughout California, May 2012
- Panelist, "Careers in Patent Law," University of Chicago's Physical and Biological Sciences Departments, April 2012